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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,435	06/30/2003	Yoshiko Kasuga	330-267	7155
23117	7590	03/24/2005	EXAMINER	
NIXON & VANDERHYE, PC			BOLDEN, ELIZABETH A	
1100 N GLEBE ROAD			ART UNIT	
8TH FLOOR			PAPER NUMBER	
ARLINGTON, VA 22201-4714			1755	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/608,435	KASUGA ET AL.	
	Examiner	Art Unit	
	Elizabeth A. Bolden	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/16/03</u> . | 6) <input type="checkbox"/> Other: _____ |

L.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy filed 30 September 2003 have been received.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 16 October 2003 has been considered by the examiner.

Specification

The disclosure is objected to because of the following informalities: Minor typographical error.

On page 22, lines 3 and 4, the upper mold member has been assigned reference number 2 and the lower mold member has been assigned reference number 1. However, on page 21, lines 32-33, the upper mold member has been assigned reference number 1, which corresponds to the reference numbers in Fig. 1.

Therefore, the Examiner believes that correcting the section on page 22, lines 3 and 4, so that the upper mold member has been assigned reference number 1 and the lower mold member has been assigned reference number 2, will correct this issue.

Appropriate correction is required.

Claim Rejections - 35 USC § 102 and 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 1755

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Onozawa et al., International Patent Publication WO 2000-21895 A1.

This rejection is over the International Patent Publication WO 2000-21895 A1 because this reference qualifies as prior art under 35 U.S.C. 102(b). However, for convenience, the column and line numbers of the English language equivalent US Patent No. 6,713,419 B1 will be cited below.

Onozawa et al. disclose an optical glass for precision press molding and for an optical element. See Abstract. Onozawa et al. disclose Example 5, which anticipates the compositional components as recited in instant claim 3. See column 4 lines 26-45 and Table I. Onozawa et al. disclose Examples 4-6, which anticipate the refractive index, Abbe number, and T_g as recited in instant claims 1-3. See column 4 lines 13-20 and Table II.

As to claims 5-9, Onozawa et al. disclose an optical glass, which is processed by precision press molding wherein the first step is to have a molten gob form a preform. The optical glass preform is then precision press molded to form an optical element. See column 1, lines 6-10 and 59-63, column 2, lines 16-18, column 3, lines 54-57, and column 7, lines 41-44.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Onozawa et al. would inherently possess the same climate resistance property recited in claims 1-3. See MPEP 2112.

Claim 4 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Onozawa et al., International Patent Publication WO 2000-21895 A1.

Art Unit: 1755

As shown above, Onozawa et al. discloses an optical glass and optical element formed by precision press molding that anticipates claims 1-3 and 5-9.

Onozawa et al. differ from the instant claims by not teaching the glass compositional ranges in terms of mole percent.

It appears that the compositional ranges of Onozawa et al. if converted from wt % to mol % would overlap the compositional ranges of instant claim 4 since the theoretical compositions below anticipate the compositional limitations of instant claim 4. See column 4 lines 26-45 and the below theoretical compositions.

In the alternative to the § 102 rejection the reference discloses a composition that has overlapping ranges of components with the instant claimed glass, and overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

One of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the climate resistance property recited in claim 4.

		SiO ₂	B ₂ O ₃	Li ₂ O	CaO	SrO	BaO	ZnO	ZrO ₂	La ₂ O ₃	Y ₂ O ₃	Ta ₂ O ₅	Gd ₂ O ₃
Ex. A	Mol %	23.3	29.1	18.6	16.2	0.7	1.4	6.0	0.6	2.2	1.6	0.5	
	Wt %	20.0	29.0	8.0	13.0	1.0	3.0	7.0	1.0	10.0	5.0	3.0	
Ex. B	Mol %	18.2	37.8	19.5	10.4		1.9	4.5	3.0	2.7	1.6	0.2	0.2
	Wt %	15.0	36.0	8.0	8.0		4.0	5.0	5.0	12.0	5.0	1.0	1.0

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimoto, Japanese Patent Publication JP 2003-176151 A.

The Derwent Abstract 2003-725226 accompanies this action. In reciting this rejection, the examiner will cite the Abstract.

Nishimoto discloses an optical glass for precision press molding and for an optical element. See Derwent Abstract sections Detailed Description, Use, and Basic Abstract Text-ABTX (4). Nishimoto discloses Examples 2 and 7, which anticipates the compositional components as recited in instant claims 3 and 4. See the tables on pages 5 and 6 of the Japanese

Art Unit: 1755

patent and the conversion table below. Nishimoto discloses Examples 1-3, 5-9, 11, 12, 14, 15, and 17-21, which anticipate the refractive index and Abbe number as recited in instant claims 1-4. See the tables on pages 5-9 of the Japanese patent.

As to claims 5-9, Nishimoto discloses an optical glass, which is processed by precision press molding. The optical glass preform is then precision press molded to form an optical element. See Derwent Abstract sections Detailed Description, Use, and Advantage.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Nishimoto would inherently possess the same T_g and climate resistance properties as recited in claims 1-4. See MPEP 2112.

		SiO ₂	B ₂ O ₃	Al ₂ O ₃	Li ₂ O	Na ₂ O	K ₂ O	CaO	SrO	BaO	ZnO	La ₂ O ₃	Gd ₂ O ₃
Ex.	Mol %	26.5	29.4	1.5	19.5	2.4	1.6	6.8		3.5	3.7	4.0	1.0
2	Wt %	21.0	27.0	2.0	7.7	2.0	2.0	5.0		7.0	4.0	17.2	5.0
Ex.	Mol %	30.6	33.5	2.8	15.8	1.4		6.3	0.7	3.2	3.5	1.8	0.8
7	Wt %	26.0	33.0	4.0	6.7	1.0		5.0	1.0	7.0	4.0	8.2	4.0

Claim 4 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nishimoto, Japanese Patent Publication JP 2003-176151 A.

As shown above, Nishimoto discloses an optical glass and optical element formed by precision press molding that anticipates claims 1-9.

Nishimoto differs from the instant claims by not teaching the glass compositional ranges in terms of mole percent.

It appears that the compositional ranges of Nishimoto if converted from wt % to mol % would overlap the compositional ranges of instant claim 4 since Examples 2 and 7 anticipate the compositional limitations of instant claim 4. See the tables on pages 5 and 6 of the Japanese patent and the conversion table above.

In the alternative to the § 102 rejection the reference discloses a composition that has overlapping ranges of components with the instant claimed glass, and overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

Art Unit: 1755

One of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the climate resistance and T_g properties as recited in claim 4.

Claims 1, 2 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirota et al., U.S. Patent 5,919,718.

Hirota et al. disclose an optical glass for precision press molding and for an optical element. See abstract and column 1, lines 5-16. Hirota et al. disclose Examples 1-11, 21, and 23, which anticipate the refractive index, Abbe number, and T_g as recited in instant claims 1 and 2. See Tables 1 and 2.

As to claims 5-9, Hirota et al. disclose an optical glass, which is processed by precision press molding wherein the first step is to have a molten gob form a preform. The optical glass preform is then precision press molded to form an optical element. See column 1, lines 6-16 and column 7, lines 28-30 and 40-48.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Hirota et al. would inherently possess the same climate resistance property as recited in claims 1 and 2. See MPEP 2112.

Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hirota et al., U.S. Patent 5,919,718.

As shown above, Hirota et al. disclose an optical glass and optical element formed by precision press molding that anticipates claims 1, 2, and 5-9.

As shown above, Hirota et al. discloses an optical glass and optical element formed by precision press molding that anticipates claims 1, 2, and 5-9. Hirota et al. disclose an optical glass composition having overlapping ranges of refractive index, Abbe number, and T_g with instant claims 3 and 4. See column 7, lines 21-27, and the ranges of the T_g in Tables 1 and 2. These ranges are deemed to be sufficiently specific to anticipate the refractive index, Abbe number, and T_g of claims 1 and 2. See MPEP 2131.03.

Art Unit: 1755

Hirota et al. differ from the instant claims by not teaching the glass compositional ranges in terms of mole percent.

It appears that the compositional ranges of Hirota et al. if converted from wt % to mol % would overlap the compositional ranges of instant claims 3 and 4 since the theoretical compositions below anticipate the compositional limitations of instant claims 3 and 4. See column 5 lines 35-47 and the below theoretical composition.

In the alternative to the § 102 rejection the reference discloses a composition that has overlapping ranges of components with the instant claimed glass, and overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

One of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the climate resistance property recited in claim 4.

		SiO ₂	B ₂ O ₃	Al ₂ O ₃	Li ₂ O	CaO	ZnO	La ₂ O ₃	Y ₂ O ₃
Ex.	Mol %	35.9	22.1	3.0	18.5	14.3	4.9	0.95	0.3
A	Wt %	35.0	25.0	5.0	9.0	13.0	6.5	5.0	1.0

Conclusion

The additional references cited on the 892 have been cited as art of interest since they are considered to be cumulative to or less than the art relied upon in the rejections above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 571-272-1363.

The examiner can normally be reached on 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1755

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAB
19 March 2005


KARL GROUP
PRIMARY EXAMINER
GROUP 1755